

Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on November 18, 2003, at 10 a.m. to conduct a hearing on the "Review of Current Investigations and Regulatory Actions Regarding the Mutual Fund Industry."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, November 18, 2003, in the President's Room, immediately following the first vote, on pending committee business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, November 18, 2003, at 10 a.m., to hear testimony on nomination of Arnold I. Havens, to be General Counsel for the Department of the Treasury.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Tuesday, November 18, 2003, at 2:30 p.m. for a hearing to consider the nomination of James M. Loy to be Deputy Secretary of Homeland Security, Department of Homeland Security.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Tuesday, November 18, 2003, at 9:30 a.m. on "America after 9/11: Freedom Preserved or Freedom Lost?" in the Dirksen Senate Office Building Room 226.

Panel I: Bob Barr, Former United States Representative, Atlanta, GA; Viet Dinh, Professor, Georgetown University Law Center, Washington, DC; James Zogby, Arab American Institute, Washington, DC; James Dempsey, Center for Democracy and Technology, Washington, DC; Robert Cleary, Proskauer Rose, LLP, New York, NY; Nadine Strossen, President, American Civil Liberties Union, New York, NY; and Muzaffar Chishty, Director, Migration Policy Institute at New York University School of Law, New York, NY.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. BOND. Mr. President, I ask unanimous consent that the subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, November 18, at 2:30 p.m.

The purpose of the hearings is to receive testimony on S. 1467, a bill to es-

tablish the Rio Grande outstanding natural area in the state of Colorado, and for other purposes, S. 1209, a bill to provide for the acquisition of property in Washington County, Utah, for implementation of a desert tortoise habitat conservation plan, and H.R. 708, a bill to require the conveyance of certain national forest system lands in Mendocino National Forest, California, to provide for the use of the proceeds from such conveyance for national forest purposes, and for other purposes; S. 1167, which would resolve boundary conflicts in Barry and Stone counties in the State of Missouri, and S. 1848, which would amend the Bend Pine Nursery Land Conveyance Act to direct the Secretary of Agriculture to sell the Bend Pine Nursery Administrative site in the State of Oregon.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. BOND. Mr. President, I ask unanimous consent that the subcommittee on strategic forces of the committee on armed services be authorized to meet during the session of the Senate on Tuesday, November 18, 2003, at 2:00 p.m., in open session to receive testimony on space acquisition policies and processes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. BOND. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs be authorized to meet on Tuesday, November 18, 2003, at 9:30 a.m. for a hearing entitled "U.S. Tax Shelter Industry: The Role of Accountants, Lawyers and Financial Professionals."

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The majority leader.

HONORING OUR ARMED FORCES

Mr. FRIST. Mr. President, I rise to honor the 17 soldiers who lost their lives this past Saturday in Iraq when two Black Hawk helicopters collided.

This tragedy stands as the deadliest single incident since Operation Iraqi Freedom began in March. It is the largest single loss of life for the 101st Airborne in 15 years.

All 17 young soldiers served in the 101st Airborne Division based at Fort Campbell. All 17 died serving their country with valor and with courage.

I would like to read each of their names for the RECORD:

SGT Michael D. Acklin, II, age 25, of Louisville, KY; SPC Ryan T. Baker, age 24, of Browns Mills, NJ; SFC Kelly Bolor, age 37, of Whittier, CA; SPC Jeremy DiGiovanni, age 21, of Pricedale, MS; SPC William D. Dusenbery, age 30, of Fairview Heights, IL; PFC Rick Hafer, age 21, of Nitro, WV; SGT Warren S. Hansen, age 36, of Clintonville, WI; PFC Sheldon R. Hawk Eagle, age 21, of Grand Forks, ND; PFC Damian L. Heidelberg, age 21, of MS; CWO Erik C. Kesterson,

age 29, of Independence, OR; 1LT Pierre Piche, age 28, of Starksboro, VT; SGT John W. Russell, age 26, of Portland, TX; CWO Scott A. Saboe, age 33, of Willow Lake, SD; SPC John R. Sullivan, age 26, of Countryside, IL; SPC Eugene A. Uhl, III, age 21, of Amherst, WI; PFC Joey Whitener, age 19, of McDowell County, NC; 2LT Jeremy L. Wolfe, age 27, of Menomonie, WI.

Mr. President, my heart goes out to the families of these brave young men. America mourns your loss and honors you for the profound sacrifice you must now bear.

My heart goes out to the community of Fort Campbell which grieves the loss of these 17 young men and the 36 other valiant soldiers of the 101st who have lost their lives since the war in Iraq began. Each and every one of these soldiers is a credit to our country.

The great American philosopher and poet Ralph Waldo Emerson wrote: "Peace has its victories, but it takes brave men and women to win them."

We will press forward in honor of those who have lost their lives fighting this just and honorable war. With their names emblazoned on our hearts, we will secure the victories of peace.

God bless them. God bless their families. And God bless America.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2004—CONFERENCE REPORT

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of the conference report to accompany H.R. 2754, the energy and water appropriations bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senate proceeded to consider the conference report.

(The text of the Conference Report is printed in the proceedings of the House in the RECORD of November 7, 2003.)

Mr. DOMENICI. Mr. President, today I bring to the floor the Energy and Water Development Appropriations conference report for fiscal year 2004, approved by the conference committee last week.

My ranking member, Senator REID, and I have worked very hard this year to put together a fair conference report under extremely difficult circumstances.

For fiscal year 2004, the allocation to the conference committee was \$27.3 billion, an amount that is only \$381.8 million over the President's request. This situation posed a daunting challenge to the conference, both in terms of funding and philosophy.

As many of my colleagues know, the President's request dramatically cut water projects well below the current year level. In fact, the President's request was \$530 million below the current year level for water projects, and we received an increased allocation smaller than what we considered the total need of our conference report.

Thus, the increased allocation, along with other funding adjustments, was

spread generally as follows: An additional \$377 million to corps water projects; an additional \$70 million to Bureau of Reclamation water projects; an additional \$70 million to the independent regional commissions, which were badly cut in the request, like the Appalachian Regional Commission, Denali Regional Commission, and Delta Regional Commission; and we held the Department of Energy at basically the President's request level with adjustments to areas where the conference felt the program growth was too rapid, relative to other agencies under our jurisdiction.

I believe, and I think Senator REID would agree with me, that this was the fairest way to distribute the very limited resources available to the Committee.

I will now highlight a few of the key areas of the conference report.

The conference report provides \$4.57 billion for the Army Corps of Engineers, that is \$377 million above the President's request, but \$120 million below the current year level. We have included limited new construction projects and have focused our resources on restoring the cuts to existing construction projects.

For the Bureau of Reclamation and related activities, the conference report provides \$990 million, which is \$70 million above the President's request, and \$15 million above the current year level.

For nuclear weapons activities of the National Nuclear Security Administration, NNSA, the conference report provides \$6.27 billion, which is \$105 million over the President's request, and \$360 million over the current year level. The budget increases are consistent with a major Defense Department initiative to restore our nuclear weapons complex.

For nuclear non proliferation activities, the conference report provides \$1.37 billion, which is the same as the President's request and \$12 million above the current year level. The conference continues its leadership role on countering nuclear terrorism. This budget request, coupled with the \$148 million added in last year's supplemental, gives a strong boost to these highly important programs.

For environmental clean-up of Department of Energy sites, the conference report provides \$7.6 billion, which is \$62 million below the President's request and \$238 million above the current year level. For the first time in many years, the conference was not required to add huge additional amounts to maintain clean-up budgets around the country.

For the Yucca Mountain project, the Senate conference report provides \$580 million, which is \$11 million below the President's request and funding for this project, as many of my colleagues know, it was a major point of contention in the conference with the House. This is a very important matter to many members of the Senate, each for various reasons.

For renewable energy R&D, the conference report provides \$460 million, which is \$40 million above the President's request and \$40 million above the current year level. The conference report fully funds the President's new hydrogen technology initiative.

For nuclear energy R&D, the conference report provides \$413 million, which is \$136 million above the President's request and \$147 million over the comparable current year level. The members know that this is a great priority of mine, as we continue to make investments that I believe will eventually result in the construction of new commercial power reactors in the United States.

For basic science research at DOE, the conference report provides \$3.47 billion, which is \$150 million above the President's request and \$180 million above the current year level.

This conference report provides \$55 million for the Denali Commission, \$66 million for the Appalachian Regional Commission, and \$5 million for the Delta Regional Authority, an increase of \$3 million over the President's request.

This conference report also provides a total budget of \$619 million for the Nuclear Regulatory Commission, the same as the budget request and an increase of \$41 million over the current year level.

Given the overall constraints, we worked hard but were unfortunately limited to accommodating only the highest priority requests of Members wherever possible. This was a difficult conference, it I can honestly say, it was truly a conference of compromise, one which I can assure my colleagues was hard fought. In the end, I think what emerged was a conference report which reflected the priorities of both Houses.

Finally, my colleagues should be fully aware that the conference report I filed includes a provision regarding the Middle Rio Grande River in New Mexico. The provision does two things. First it prohibits the use of outer-basin water for endangered species purposes. Secondly, it establishes how the Endangered Species Act will be complied with for this river and the affected fish. This is a very important provision that has the bipartisan support in the New Mexico delegation and at the state level. Let me restate, so there is no confusion, both Governor Richardson and Senator BINGAMAN, my colleague, fully support the language on the silvery minnow that's contained in this conference report.

I thank my ranking member and good friend, Senator REID. This was one of the toughest conferences he and I have been in together, but through it all, I will tell my colleagues that Senator REID supported me every step of the way, and I thank him for that.

Also, I would like to thank his excellent staff, Drew Willison, Roger Cockrell and Nancy Olkewicz, for all the effort put forth in getting this con-

ference report put together, without their close cooperation, this conference report would not have been possible.

I would also like to thank my former staff, Clay Sell, for all the work he did on this bill early in the year until his departure for the White House. I thank Erin McHale of my staff for all of her hard work.

Mr. REID. Mr. President, it takes just a few seconds to do this, but this is the culmination of weeks and weeks of work. I want to spread on the RECORD the affection I have for the chairman of the Energy and Water Subcommittee, Senator PETE DOMENICI. This has been a very tough process this year. But for his advocacy in protecting the Senate's position, this bill would not be in the position it is. I, again, want the RECORD spread with the partnership that he and I have on this legislation. This is legislation that is very good for the country.

By and large, I am pleased with the bill that the conferees have produced.

As conferees we are tasked with reconciling House and Senate bills that were written with very different visions and very different world views.

Reconciling them has not been easy, nor has it been accomplished without a great deal of pain on both sides.

As these things usually are, this final bill is a product of hard fought compromise and, often, splitting the difference between competing views. The result is a bill with much for both sides to like and much for both sides to dislike.

As Senate conferees, Chairman DOMENICI and I were faced with trying to work out the differences between our bill, a fairly typical Senate Energy and Water bill, and a House bill that was far different than the ones produced in recent years by the other body.

Chairman HOBSON placed a far higher priority on Yucca Mountain than his predecessors ever did and he added nearly \$175 more than the President asked for to the project. At the same time, he placed a far lower emphasis on activities requested by the President within our Nation's nuclear weapons complex, cutting nearly \$300 million from the program, including nearly \$200 million from the nuclear weapons laboratories in New Mexico. As most of you know, Chairman DOMENICI has a passing interest in the health and well-being of those labs.

Obviously, none of this was done with any personal malice, but these honest differences of opinion sure made for a lively conference.

The final bill contains \$27.3 billion in funding for the Department of Energy, the U.S. Army Corps of Engineers, the Bureau of Reclamation, and several other important agencies. The final bill exceeds the President's request by \$381 million and the FY 03 total by \$1.13 billion.

The engine that drives the Energy and Water bill is funding for the Corps of Engineers. Each year Chairman

DOMENICI and I receive literally thousands of requests for water projects in all fifty States. We work hard to accommodate as many of them as possible each year.

I am pleased to report that total funding for the Corps of Engineers is nearly \$4.6 billion—a total that is \$375 million above an utterly insufficient request from the Administration. I wish we were able to do more, but, I feel we were able to keep many very important projects moving forward this year and have been able to begin some new ones.

Total funding for the Bureau of Reclamation is set at \$986 million, a total that is \$64 million above the President's request and \$15 million above the current year. As a Western Senator I had hoped this would be the year that we got the Bureau up to \$1 billion, but we came up just short. However, I am very pleased that we are pushing the Bureau's budget in the right direction.

The conferees were able to provide total funding of \$22 billion for the Department of Energy. The Senate was able to convince the House to restore most of the nearly \$300 million in cuts to DOE programs, but we are still nearly \$120 million below the President's request. We are, however, \$1.2 billion above the current year. The overall increase has allowed the conferees to provide solid funding for the Office of Science, renewable energy projects, and the very important environmental management clean-up projects nationwide.

As most of you know, Senator DOMENICI is a fierce defender of two nuclear weapons labs in his home State, two institutions that do world class research and have helped to keep our Nation safe and secure for over 50 years. The House cut nearly \$200 million from the President's budget request for Los Alamos and Sandia, a move that would have had very negative ramifications for our Nation's science-based stockpile stewardship program. I am pleased to report that we were able to restore most of these ill-advised cuts. The people of New Mexico are very lucky to have a Senator as skilled and determined as PETE DOMENICI working for them.

Frankly, given the battle we were in with the House this year over our bill, I am glad he was also fighting for me and the other 98 Members of the Senate.

I am very grateful to Chairman DOMENICI and his new clerk, Tammy Perrin, for being so dogged in their defense of the Senate position on so many issues. I have worked with his previous clerks, Alex Flint and Clay Sell, and have found them both to be outstanding. In Tammy, he has found another terrific clerk.

As always, thanks to Drew Willison, Roger Cockrell, and Nancy Olkewicz of my subcommittee staff. I appreciate everything they do for me and all of the Members of the Senate.

Mr. FRIST. Mr. President, I ask unanimous consent that the conference

report be adopted and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The conference report was agreed to.

MEASURE PLACED ON THE CALENDAR—S. 1875

Mr. FRIST. Mr. President, I understand there is a bill at the desk due its second reading.

The PRESIDING OFFICER. The clerk will report the title of the bill for the second time.

The legislative clerk read as follows:

A bill (S. 1875) to amend the Employee Retirement Income Security Act of 1974, the Public Health Service Act, and the Internal Revenue Code of 1986 to extend the mental health benefits parity provisions for an additional year.

Mr. FRIST. Mr. President, I object to further proceedings.

The PRESIDING OFFICER. Objection is heard. The bill will be placed on the calendar.

MEASURES INDEFINITELY POSTPONED—S. 1415, S. 1671, AND S. 1746

Mr. FRIST. Mr. President, I ask unanimous consent that the following bills be indefinitely postponed: Calendar No. 326, S. 1415; Calendar No. 327, S. 1671, Calendar No. 328, S. 1746.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEATHS OF ITALIAN CITIZENS IN IRAQ

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 268 introduced earlier today by Senator GRAHAM.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 268) to express the sense of the Senate regarding the deaths of 19 citizens of Italy in Iraq.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table en bloc, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 268) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 268

Whereas the people of Italy are long-time and resolute allies of the United States;

Whereas the people of Italy sent 2,700 of their finest citizens in contribution to the international effort to stabilize Iraq; and

Whereas on Wednesday November 12, 2003, 19 Italians including 12 Carabinieri, 5 army

soldiers, and 2 civilians were brutally murdered through cowardly acts of terrorism while on duty in Nassiriya, Iraq: Now, therefore, be it

Resolved, That the Senate—

(1) mourns with the people of Italy on their National Day of Mourning for these 19 brave souls;

(2) acknowledges the sacrifices of the Italian people; and

(3) recognizes the significant contributions that Italy continues to make towards stability and democracy around the world.

21ST CENTURY NANOTECHNOLOGY RESEARCH AND DEVELOPMENT ACT

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 280, S. 189.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 189) to authorize appropriations for nanoscience, nanoengineering, and nanotechnology research, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 189

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

[This Act may be cited as the "21st Century Nanotechnology Research and Development Act".]

SEC. 2. FINDINGS.

[The Congress makes the following findings:

[(1) The emerging fields of nanoscience and nanoengineering (collectively, "nanotechnology"), in which matter is manipulated at the atomic level (i.e., atom-by-atom or molecule-by-molecule) in order to build materials, machines, and devices with novel properties or functions, are leading to unprecedented scientific and technological opportunities that will benefit society by changing the way many things are designed and made.

[(2) Long-term nanoscale research and development leading to potential breakthroughs in areas such as materials and manufacturing, electronics, medicine and healthcare, environment, energy, chemicals, biotechnology, agriculture, information technology, and national security could be as significant as the combined influences of microelectronics, biotechnology, and information technology on the 20th century. Nanotechnology could lead to things such as—

[(A) new generations of electronics where the entire collection of the Library of Congress is stored on devices the size of a sugar cube;

[(B) manufacturing that requires less material, pollutes less, and is embedded with sophisticated sensors that will internally detect signs of weakness and automatically respond by releasing chemicals that will prevent damage;